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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE, Plaintiff and Respondent, v. BRIANNA NIKOL WILLIAMS, Defendant and Appellant.	A098783 (Contra Costa County Super. Ct. No. 011422-3)

Appellant Brianna Nikol Williams appeals from her conviction of the felony of submitting a false application to the Department of Motor Vehicles (DMV). Although appellant admits she knew she was providing false identification to the DMV, she testified at trial that she did not read the portion of the application that certified her statements under penalty of perjury. She contends that the trial court committed error by excluding evidence that she had filled out the false application because she was requested to do so by a friend. We affirm.

The facts described by the testimony at trial are essentially undisputed. In May of 2000, appellant went with her friend, Janel Terry, to the DMV office located in Pittsburg. Terry stayed in the car while appellant went inside and filled out an application (form DL-44) for an identification card in the name of Janel Terry. The testimony also showed that appellant had previously applied for a driver's license in September of 1998; and that she had applied for a duplicate driver's license in October of 1999. Appellant testified that when she filled out the prior applications, which were on the same form DL-44 as the

one at issue in this case, she did not read the section that said she was signing under the penalty of perjury.

Appellant testified that she knew she was providing false information to the DMV, and she admitted that she was trying to "pass [herself] off" as Janel Terry. Her entire defense was that she filled out the application quickly and did not realize that she was filling out the application under penalty of perjury.

During direct examination by defense counsel, the trial court sustained objections to questions aimed at showing that the false application was made at the request of Janel Terry. Although the original objection by the prosecutor was stated as "hearsay" and sustained by the court, the record suggests that there was further discussion of the matter which was unreported. Subsequently, the court made it clear that the evidence regarding whether or not Janel Terry requested appellant to make the false application were excluded on grounds of relevance. The court stated: "I sustained the objections . . . because the reason why she did it is not relevant. She's admitted to making a false statement. And the reason why she made a false statement is not a proper subject for this jury to be considering."

Appellant contends that evidence of her friend's request that she make the false application to the DMV could have bolstered her credibility with reference to her defense, which was that she did not know it was a crime to make false statements on a DMV application. The trial court correctly noted that appellant's motive in making the false application could have no bearing on the question of whether she had read the application and knew that she was certifying her false statements under penalty of perjury. Relevant evidence is evidence having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action. (Evid. Code, § 210.) Whether or not Ms. Terry requested appellant to make the false statements could have no reasonable bearing on the issue of whether or not the false statements were made with knowledge of their perjurious effect. Appellant's statement that such evidence "would have established an exculpatory motive for appellant's

actions" is simply wrong. The fact that a friend may have requested a defendant to commit perjury can have no bearing on the issue of intent.

Neither was the refusal to admit such evidence in any way prejudicial with reference to the issue of credibility. Once appellant had admitted that she knowingly made a false statement, any evidence relating to her motivation to help a friend could not have had any bearing on her credibility on the underlying issue. And the underlying issue, conceded in her briefs before this court, of whether she was guilty of felony perjury under Penal Code section 118 or guilty of the lesser misdemeanor offense of knowingly providing a false name or other information to the DMV in violation of Vehicle Code section 20. Both sides agreed in the trial court, and they agree here, that the only issue is whether appellant knew she was signing the false application under penalty of perjury and had the specific intent to do so.

The evidence that appellant had filled out two prior applications, that she had never read any of the three applications she completed, and that she was guilty of three prior misdemeanor convictions, was relevant to the determination of credibility. Evidence that she made the application in a false name at her friend's request was irrelevant to the issue of her credibility.

Even assuming, arguendo, that the court committed error in excluding evidence that Janel Terry encouraged appellant to make the false statements, there is no reasonable probability that appellant could have achieved a more favorable outcome absent the error (*People v. Watson* (1956) 46 Cal.2d 818, 836-837). Appellant admitted willfully providing the false information and her claim that she had never paid attention to the penalty of perjury language contained in the forms she filled out was simply not credible, especially in view of her three prior convictions. Evidence of the most compassionate motives for making a false application would not provide any defense to the crime. Moreover, as respondent points out, appellant answered "yes" to the question of whether her friend asked her to fill out the application before the objection was sustained and the record reflects that there was no motion to strike the answer.

Accordingly, we can discern no theory of defense under which evidence of a friend's request to commit perjury would be relevant. The jury had plenty of evidence to allow it to evaluate appellant's testimony that she had filled out the application "quickly" without knowing it was made under penalty of perjury.[1] And there was no reasonable likelihood that evidence regarding the friend's request would have made any difference regarding appellant's credibility.

DISPOSITION

The judgment is affirmed.

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Lambden, J.

We concur:

_____
Kline, P. J.

_____
Haerle, J.

[1] We seldom resort to hoary maxims. However, while it is clear that the jury found the required specific intent in this case, we are reminded that "ignorantia legis neminem excusat."